IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1116 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 24001 OF 2003 on the file of the High Court.)

Between:

V.Chandraiah S/o V.Shivaiah,
R/o 11-15/2, Medchal, Ranga Reddy District

..... APPELLANT

AND

1 The Executive Officer, Grampanchayat, Medchal Grampanchayat R.R.District.
2 The Sarpanch, Medchal Gram Panchayat, R.R.District.

.....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for Respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1117 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 23966 OF 2003 on the file of the High Court.)

Between:

M.Venkat Ram Reddy S/o Raji Reddy,
1-360, Medchal, Ranga reddy District,

..... APPELLANT

AND

1 The Executive Officer, Grampanchayat, Medchal Grampanchayat
R.R.District.
2 The Sarpanch, Medchal Gram Panchayat, R.R.District.

.....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1118 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 23967 OF 2003 on the file of the High Court.)

Between:

Ragam Srinivas S/o Krishna Murthy,
Jeedipally Village, Toopran Mandal, Ranga Reddy Dist.

..... APPELLANT

AND

1 The Executive Officer, Grampanchayat, Medchal Grampanchayat
R.R.District.
2 The Sarpanch, Medchal Gram Panchayat
R.R.District.

.....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1119 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 23947 OF 2003 on the file of the High Court.)

Between:

Smt.B.Shiramani, w/o B.Laxmaiah,
r/o H.No.11-15/1, Station Road, Medchal, Ranga Reddy District.

..... APPELLANT

AND

1 The Executive officer, Grampanchayat, Medchal Grampanchayat, R.R.District.
2 The Sarpanch, Medchal Gram Panchayat, R.R.District.

.....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1120 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 23958 OF 2003 on the file of the High Court.)

Between:

T.Anjaneyulu S/o T.Lingaiah,
R/o 1-337 & 338 Medchal, Ranga Reddy District.

..... APPELLANT

AND

1 The Executive Officer, Gram panchayat, Medchal Grampanchayat R.R.District.
2 The Sarpanch, Medchal Grampanchayat, R.R.District.

.....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1121 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 23962 OF 2003 on the file of the High Court.)

Between:

T.Laxmaiah S/o T.Viswanatham,
11-16 Medchal, Ranga Reddy District..

..... APPELLANT

AND

1 The Executive Officer, Grampanchayat, Medchal Grampanchayat R.R.District.
2 The Sarpanch, Medchal Gram Panchayat, R.R.District.

.....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1122 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 23963 OF 2003 on the file of the High Court.)

Between:

Ragam Ram Mohan S/o Krishna Murthy,
Jeedipally Village, Toopran Mandal, Ranga Reddy District.

..... APPELLANT

AND

1 The Executive Officer, Grampanchayat, Medchal Grampanchayat, R.R.District.
2 The Sarpanch, Medchal Gram Panchayat, R.R.District.

....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1123 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 23997 OF 2003 on the file of the High Court.)

Between:

Smt. A.Pochamma W/o Late Pentaiah,
1-340, Medchal, Ranga Reddy District.

..... APPELLANT

AND

1 The Executive officer, Grampanchayat, Medchal Grampanchayat, R.R.District.
2 The Sarpanch, Medchal Gram Panchayat, R.R.District.

RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1124 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 23965 OF 2003 on the file of the High Court.)

Between:

U.Badhraiah S/o Chandraiah,
R/o 9-276, Gandhi Road, Medchal, Ranga Reddy District

..... APPELLANT

AND

1 The Executive officer, Grampanchayat, Medchal Grampanchayat, R.R.District.
2 The Sarpanch, Medchal Gram Panchayat, R.R. District,

.....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1125 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 23959 OF 2003 on the file of the High Court.)

Between:

Smt. Y.Nagalaxmi W/o Viswanadham,
H.No.11-13 Station Road, Medchal ,
Ranga Reddy District.

..... APPELLANT

AND

1 The Exectutive Officer, Grampanchayat, Medchal Grampanchayat, R.R.District.
2 The Sarparch, Medchal Gram Panchayat, R.R.District.

.....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No .1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1126 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 23970 OF 2003 on the file of the High Court.)

Between:

M.Damodar Reddy S/o Raji Reddy,
1-360, Medchal, Ranga Reddy District,

..... APPELLANT

AND

1 The Executive Officer, Grampanchayat, Medchal Grampanchayat R.R.District.
2 The Sarpanch, Medchal Gram Panchayat, R.R.District.

.....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1127 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 23964 OF 2003 on the file of the High Court.)

Between:

U.Anand S/o U.Badhraiah,
1-79, AP.H.B.Colony, Medchal, Ranga Reddy District.

..... APPELLANT

AND

1 The Executive Officer, Grampanchayat, Medchal Grampanchayat, R.R.District.
2 The Sarpanch, Medchal Gram Panchayat, R.R.District.

.....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1128 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 23969 OF 2003 on the file of the High Court.)

Between:

M.Anjan Reddy S/o Raji Reddy,
R/o 1-360, Medchal, Ranga Reddy Dist.

..... APPELLANT

AND

1 The Executive Officer, Grampanchayat, Medchal Grampanchayat, R.R.District.
2 The Sarpanch, Medchal Gram Panchayat, R.R.District.

.....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1129 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/01/2004 in WP NO : 23968 OF 2003 on the file of the High Court.)

Between:

T.Lingaiah,
1-337 & 338, Medchal, Ranga Reddy District

..... APPELLANT

AND

1 The Executive Officer, Grampanchayat, Medchal Grampanchayat, R.R.District.
2 The Sarpanch, Medchal Gram Panchayat, R.R.District.

.....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2: Sri G.Shiva Kumar Goud.

WRIT APPEAL NO : 1130 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated

27/01/2004 in WP NO : 23961 OF 2003 on the file of the High Court.)

Between:

Renuka Goel, W/o Ashok Goel,
3-6-587, St. No.8, Himayathanagar, Hyderabad.

..... APPELLANT

AND

1 The Executive Officer, Grampanchayat, Medchal Grampanchayat, R.R.District
2 The Sarpanch, Medchal Gram Panchayat, R.R.District.

.....RESPONDENTS

Counsel for the Appellant:MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

Counsel for the Respondent No.2: Sri G.Shiva Kumar Goud.

The court made the following:

ORAL ORDER: (per the Hon'ble the Chief Justice)

There are applications for condonation of delay in preferring these appeals. At this stage itself, we have heard the counsel for the appellants. The appellants are writ petitioners, whose writ petitions were allowed by the learned single Judge by a common order passed on 27-1- 2004, which is impugned in these appeals.

In the writ petitions, the petitioners had questioned the action of the respondents in proceeding to evict them from their respective properties. The respondents appear to have passed orders ordering demolition of the petitioners' properties pursuant to the powers vested in them under Section 98(1) of the A.P. Panchayat Raj Act. The petitioners alleged that the said orders are bereft of any reasons and findings and suffer from total non-application of mind and are passed without looking into their explanations, which they had submitted pursuant to the show cause notices issued to them. The petitioners alleged that all of them purchased independent houses under different sale deeds constructed under

different building permissions with different municipal assessments. But the respondents without considering the same, passed the orders with one line reasoning that there is encroachment on the road and the petitioners did not remove the encroachments. Therefore, the said orders are liable to be set aside.

Learned single Judge allowed the writ petitions noticing the defect in the procedure followed by the respondents in proceeding to pass orders of eviction. It was also held that there was no proper service of notices on the writ petitioners, no enquiry was conducted and final orders were passed in haste. Accordingly, while allowing the writ petitions, liberty was reserved to the respondents to issue necessary notices specifying the encroachment made by the petitioners including the area which has to be removed as contemplated under Rule 2 of the rules issued in G.O.Ms.No.555 dated 3-12-1999 and only on the petitioners' failure to do so, the respondents shall follow the necessary procedure for removing the encroachments, if any.

Learned counsel for the appellants submits that the appellants are aggrieved by the last portion of the impugned order, by which liberty has been reserved to the respondents to issue fresh notices, which ought not to have been reserved to the respondents. Needless to add that pursuant to the order passed in the writ petitions, respondents have issued fresh show cause notices to the appellants, to which, the learned counsel for the appellants states that the appellants have not yet filed their replies but will be filing the replies tomorrow, which is the last date fixed for the said purpose. Learned counsel for the appellants further submits that let the proceedings be continued before the respondents but further proceedings pursuant to the fresh show cause notices be stayed till the appeals are heard since liberty ought not to have been reserved by the learned single Judge to the respondents to take action against the appellants, who are acting mala fide by issuing successive show cause notices.

We are not satisfied with what the learned counsel for the appellants submitted that the appellants are aggrieved by the order of the learned single Judge reserving liberty to the respondents to issue fresh show cause notices. The appellants cannot be said to be persons aggrieved at all and they have no cause of action to file the appeals. Assuming that the appellants are aggrieved by the order of

the learned single Judge reserving liberty to the respondents to issue fresh show cause notices, even on that score, there cannot be any grievance to the appellants at this stage when only show cause notices have been issued. In none of the earlier rounds of litigation, there has been any adjudication on merits. The show cause notices were set aside with liberty reserved to the respondents to initiate fresh proceedings in accordance with law. Only in case orders are passed by the respondents affecting the rights of the appellants after considering the explanations submitted by the appellants, that it can be said that the appellants have become aggrieved and it will be open for the appellants at that stage to question the legality and validity of the proceedings on all grounds available to them including the ground that the action of the respondents in issuing the show cause notices itself is mala fide. At this stage, the appellants cannot be heard to say that the respondents are to be debarred from even issuing the show cause notices to the appellants asking them to remove the encroachments. The appellants are at liberty to question the orders, if any, to be passed as observed earlier.

While condoning the delay in preferring the appeals, we dismiss the appeals preferred by the appellants with liberty reserved to the appellants to question the orders if any to be passed by the respondents against them in accordance with law raising all questions raised by the appellants herein.

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DEVINDER GUPTA, CJ

19-7-2004

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C.V.RAMULU, J

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